



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,608	10/17/2003	Lynn Ann Casey	10761.1477-00000	8949
81331	7590	11/27/2009		
Accenture/Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 901 New York Avenue Washington, DC 20001-4413			EXAMINER	
			MCCORMICK, GABRIELLE A	
			ART UNIT	PAPER NUMBER
			3629	
			NOTIFICATION DATE	DELIVERY MODE
			11/27/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

betty.finley@finnegan.com
dianna.williams@finnegan.com
catherine.vanhouten@finnegan.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/686,608
Filing Date: October 17, 2003
Appellant(s): CASEY ET AL.

Maura K. Moran
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 21, 2009 appealing from the Office action mailed May 21, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. Claims 13, 20, 60-62, 70 and 72-74 under 35 U.S.C. 112, first paragraph.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

- 6,115,690 WONG 9-2000
- 2003/0115133 BIAN 6-2003
- Coalition for Secure & Trade-Efficient Borders. "Rethinking our Borders: A Plan for Action." Published Dec. 3, 2001 at www.cme-mec.ca/national/template_na.asp?p=104
- Gugliotta, Guy. "American Responds / Terrorist watch list no match for pair / Hijacking suspects eluded all controls" Houston Chronicle. Houston, Tex.: Sep 24, 2001. pg. 1.

Art Unit: 3629

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 59, 64-69 and 71 are unpatentable under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
3. Claims 59, 64 and 71 recite analyzing data by applying neural networks, decision tree analysis, data recognition techniques, and rules-based algorithms to synthesize information, identify patterns, analyze historical information, and develop risk scores.
4. P[00084] discloses that data warehousing and mining environments support the identification of threats... “data warehousing solutions allow **enforcement officials to synthesize information, identify patterns, analyze historical information, develop risk scores and form intelligence.** Data mining includes such applications as rules-based analysis, neural networks, decision tree analysis, and other data recognition techniques.”
5. At P[000148], the specification states, “The risk assessment element 1460 generates intelligence regarding a specific case or situation. **Risk assessment applies neural networks and rules-based algorithms** to data collected from the border management data store 1450 and from the additional data sources 1480, including government data sources 1482 and non-government data sources 1484. The **risk assessment element 1460 generates knowledge and intelligence**

Art Unit: 3629

from the collected information and reports that knowledge and intelligence to the end user 1410 and updates the border management data store 1460 with any new information.”

6. The above excerpt does not provide a sufficient disclosure for the claims of using neural networks, decision tree analysis, data recognition techniques, and rules-based algorithms to produce synthesized information, patterns risk scores, etc. P[00084] discloses that **enforcement officials perform the synthesis, analysis and scoring.**
7. Further, the specification does not disclose how the neural networks, decision tree analysis, data recognition techniques, and rules-based algorithms operate (in combination or singly) to synthesize information, identify patterns, analyze historical information, and develop risk scores.
8. Appellant's invention is directed to collecting various types of data from many different sources (border management store, additional data sources including government and non-governmental data sources), yet the specification provides no details as to which data is analyzed by which technique to identify patterns and develop risk scores. One of ordinary skill in the art would require the identification of variables and an algorithm in order to develop a risk score, however, none is provided by the specification. Further, no direction is provided as to what information (from the numerous sources) is synthesized or analyzed.
9. Therefore, these recitations do not provide enablement for how one of ordinary skill in the art would make or use the invention. Due to the plethora of categories of data that could be potentially collected and analyzed, and the multitude of possible transformations of data using tools such as algorithms and neural networks, it would require **undue experimentation** in order to make or use the invention. Additionally, the specification does not provide any working examples, nor does it recite the type of data collected, the algorithms or neural networks used, or the inputs for scoring risk.
10. Claims 65-69 depend from claim 64 and are unpatentable through their dependency to this claim.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 13, 20, 60-62, 70 and 72-74** are unpatentable under 35 U.S.C. 103(a) as being unpatentable over Wong (US Pat. No. 6,115,690) in view of Coalition for Secure & Trade-Efficient Borders ("Rethinking our Borders: A Plan for Action". Published Dec. 3, 2001 at www.cme-mec.ca/national/template_na.asp?p=104, hereafter referred to as "Coalition").
13. **Claims 13 and 70:** Wong discloses
14. a processor, database storing data, computer-readable medium encoding instruction for implementing an architecture (C12; L55-64). The database management system (DBMS) stores files belonging to different domains, such as products, payments, financial and personnel. (C12; L55-59). These domains represent the provision of a set of core application in a shared applications architecture. Additionally, customer access the system via the Internet to the Web interface of the DBMS through a firewall (i.e., a shared security and integration open architecture to customer access channel) (C12; L64-C13; L7). Management access interfaces are provided to tools for sharing and accessing data among the core applications. (C39; L20-49: managers have the ability to access the system via the web to evaluate individual performance based on the data within the database and data from outside sources (C40; L7-17)). Additionally, management is enabled to perform trend analysis (i.e., a tool) "for understanding interrelationships between various aspects of a business". (C38; L55-58). Wong's system results in a shared application environment (i.e., the various functional aspects of the business process) it which customers and management have access via a web interface. Data is transformed using algorithms (C40; L51-59). The transformation of the data into a human performance evaluation is an example of an

Art Unit: 3629

intelligence application that transforms data into intelligence because the employee's strengths and weaknesses discovered by the evaluation are used to determine whether training is needed in a certain area. (C41; L41-46). The evaluation uses data from various sources of activity data, including quantity, dollar volume, time, returns and quotes. (C40; L34-50).

15. Wong does not disclose the specific names of applications (process imports, process exports, investigation, entry processing, exit processing, form submission and processing, case management or intelligence) or that a database is named "enforcement" or the specific descriptions of data as "shared border management", "case" or "individual".
16. However, these differences are only found in the **nonfunctional descriptive data** and are not functionally involved in the steps recited. **The sharing of the business process applications would be performed regardless of names of the applications. Additionally, data would be stored and transformed into intelligence regardless of the name of the data or database.** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
17. Wong does not disclose a system or instruction directed to border management.
18. Coalition, however, discloses border management including *a set of core applications for standard border management functions*, (pg. 3; bullet 2) *and case management* (pg. 15; para. 5: centralized applications processing) *and intelligence applications* (pg. 22; para. 11: using technology to report and share intelligence); *a set of customer channels for providing individual access points for the users of the border management application architecture* (pg. 9; para. 9: electronic reporting for companies (i.e., customers)); *a customer channel interface interconnecting the set of customer channels and the set of core applications* (pg. 7; para. 5 and 7: the Internet interconnects customer channels (i.e., web sites) and applications when the customer is reporting information to the government); *one or more management access channels for providing access points and tools for the sharing and access of border management data across border management capabilities* (pg. 7; para. 5: the Internet provides access points and

Art Unit: 3629

para. 10: Canada and US invest in joint systems to create integrated solutions); *one or more management access interfaces interconnecting the one or more management access channels with the set of core applications* (pg. 7; para. 5 and 7: the Internet interconnects customer channels and applications when the customer is reporting information to the government) and centralized applications processing (pg. 15; para. 5: forms submission and *case management*). By disclosing the Internet and electronic reporting, Coalition inherently discloses computer interfaces such as keyboards and access channels such as web sites. Coalition discloses a database for sharing data that contains information from immigration, law enforcement and security agencies, international policing agencies and records of entries and exits of visitors and residents. (pg. 16; para. 13- pg. 17; para. 6).

19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a border management directed system, as disclosed by Coalition in the system disclosed by Wong, for the motivation of providing a method of integrating processes (including services) that result in a streamlined operation with data available in real-time. (Wong; C4; L18-24). By combining Wong's business process integration system with the various aspects of border management performed by the governments of Canada and the US, the process of providing the clearance across borders would be streamlined, more efficient and therefore aid in permitting "governments to focus their attention more effectively on illegal and irregular movements of goods and people." (Coalition; pg. 7; para. 12).
20. **Claim 20:** Wong discloses a trend analysis tool (C38; L55-58) and that business processes (i.e., management/administration tool set) include purchasing (i.e., procurement), financial performance (i.e., finance and budgets) and personnel (i.e., human resources) (C5; L56-63) and customer service (C2; L17-18).
21. **Claims 60 and 72:** Wong discloses alerts, (C41; L9) but does not disclose that information includes advance passenger information, denied passenger information, watch lists, case patterns, tips, expired visa and overstay information, investigation initiations and alert list additions.

Art Unit: 3629

22. Coalition, however, discloses various forms of information related to border management, including advanced passenger information and overstays (pg. 4; para. 8 and 11), irregular movements of goods and people (i.e., case patterns; pg. 7; para. 12), investigations (pg. 16; para. 7). Coalition discloses information sharing with the police and parole board (pg. 16; para. 4), therefore it is obvious that information would include watch lists, police investigations, alert list additions and tips as these are old and well known forms of information collected by law enforcement.
23. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included various forms of information related to border management, as disclosed by Coalition, in the system of Wong for the motivation of expanding the integrated system of Wong to handle the information sharing needs of a customs department.
24. Further, these differences are only found in the **nonfunctional descriptive data** and are not functionally involved in the steps recited. **The gathering of information would be performed regardless of the type of the information.** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
25. **Claims 61 and 73:** Wong discloses communicating the intelligence information to a communication device of an officer (C39; L20-24: users of the system with access to the intelligence information include VPs and the president, i.e., officers of the company).
26. **Claims 62 and 74:** Wong discloses a firewall between the Internet (the customer channel interface) and the Web interface of the DBMS (the set of core applications). (C13; L1-4). Additionally, external web authority information is stored for each customer in a customer file. (C18; L42-43). Wong also discloses the use of a firewall that provides security for internal data and allows limited access by customers (C39; L61-62). Thus disclosing the ability to monitor and secure access via a firewall to a data source.

Art Unit: 3629

27. **Claims 59 and 71** are unpatentable under 35 U.S.C. 103(a) as being unpatentable over Wong (US Pat. No. 6,115,690) in view of Coalition for Secure & Trade-Efficient Borders ("Rethinking our Borders: A Plan for Action". Published Dec. 3, 2001 at www.cme-mec.ca/national/template_na.asp?p=104, hereafter referred to as "Coalition") in view of Bian (US Pub. No. 2003/0115133).
28. **Claims 59 and 71:** Wong discloses information synthesis, decision tree analysis, data recognition and algorithms that result in identifying patterns and analyzing historical information. Data is transformed using algorithms (C40; L51-59). The transformation of the data into a human performance evaluation is an example of an intelligence application that transforms data into intelligence because the employee's strengths and weaknesses discovered by the evaluation (i.e., patterns) are used to determine whether training is needed in a certain area. (C41; L41-46). The evaluation uses data from various sources of activity data, including quantity, dollar volume, time, returns and quotes. (C40; L34-50). Decision tree analysis is exemplified at C41; L13-15.
29. Wong/Coalition does not disclose risk scoring or neural networks.
30. Bian, however, discloses using a neural network and algorithm to detect patterns of data that are characteristic of the outcome one is trying to predict. (P[0029]). A risk score is calculated.
31. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included using neural networks, as disclosed by Bian, in the system of Coalition for the motivation of using a screening tool, such as a score, to assist in prioritizing investigation needs. (Bian; P[0038]). Coalition is directed toward identifying and communicating high risks in order to effectively use border resources. It is obvious to use data analysis tools, such as neural networks, algorithms and scoring, to prioritize the need to further investigate a movement. It is also obvious to expand Wong to include neural network analysis and risk scoring to further identify trends in data that relate to personnel.
32. **Claims 64-67** are unpatentable under 35 U.S.C. 103(a) as being unpatentable over Coalition for Secure & Trade-Efficient Borders ("Rethinking our Borders: A Plan for Action". Published Dec. 3,

2001 at www.cme-mec.ca/national/template_na.asp?p=104, hereafter referred to as "Coalition") in view of Wong (US Pat. No. 6,115,690) in view of Bian (US Pub. No. 2003/0115133).

33. Claims 64 and 67: Coalition discloses

- receiving border transaction requests at a processing location; storing the requests in a border management knowledge base; processing, in an automated manner, a subset of the requests to determine whether the requests should be granted (pg. 16; para. 14: computerized database to screen visa applicants and applicants for admission to Canada. The screening processing provides the automated manner to determine whether requests should be granted. Pg. 23; para. 1-3 discloses trade transaction requests that are stored and processed in an automated manner. Pg. 8; para. 5: streamlining of importation is provided after the company has met the investigation criteria. Accounting and reporting are performed electronically, thus a knowledge is used for processing and storing of the data.)
- receiving and storing entry and import data that includes details (pg. 11; para. 1: paperwork and pg. 16; para. 15: database contains records of entries of visitors and residents that is used to track physical presence.)
- generating border intelligence for detecting irregular individual and trade border activity (pg. 7; para. 12)
- advanced passenger information and overstays (pg. 4; para. 8 and 11), irregular movements of goods and people (i.e., case patterns; pg. 7; para. 12), investigations (pg. 16; para. 7). Coalition discloses information sharing with the police and parole board (pg. 16; para. 4), therefore it is obvious that information would include watch lists, police investigations, alert list additions and tips as these are old and well known forms of information collected by law enforcement.

34. Coalition does not disclose monitoring the receipt and storing of data using a security and integration open architecture, analyzing by an intelligence engine, data to generate intelligence using various techniques to synthesize information, identify patterns, analyze historical

Art Unit: 3629

information and develop risk scores or store the irregular individual activity (i.e., the product of the intelligence analysis) in the database or a shared infrastructure.

35. Wong, however, discloses monitoring the receipt and storing of data using an open architecture (C5; L9-30: users have access to data (i.e., an open architecture) and user activities are tracked (i.e., monitored). Entry errors are detected, flagged and trouble-shooted (C6; L30-55)). Users are authorized (C11; L61-65) and the software provides "end-to-end, business-to-business Web commerce", thus providing both security and integration in a shared infrastructure. (C4; L6-21). Wong discloses information synthesis, decision tree analysis, data recognition and algorithms that result in identifying patterns and analyzing historical information. Data is transformed using algorithms (C40; L51-59). The transformation of the data into a human performance evaluation (i.e., human resource management) is an example of an intelligence engine that transforms data into intelligence because the employee's strengths and weaknesses discovered by the evaluation (i.e., patterns) are used to determine whether training is needed in a certain area. (C41; L41-46). The evaluation uses data from various sources of activity data, including quantity, dollar volume, time, returns and quotes. (C40; L34-50). Decision tree analysis is exemplified at C41; L13-15. Performance data is displayed (C41; L28-34), thus it is inherently stored.

36. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included open architecture, as disclosed by Wong, in the system of Coalition for the motivation of integrating processes (including services) that result in a streamlined operation with data available in real-time. (Wong; C4; L18-24). By combining Wong's business process integration system with the various aspects of border management performed by the governments of Canada and the US, the process of providing the clearance across borders would be streamlined, more efficient and therefore aid in permitting "governments to focus their attention more effectively on illegal and irregular movements of goods and people." (Coalition; pg. 7; para. 12). The combination of Wong with Coalition also makes it obvious to use the data sharing, tracking and analysis disclosed by Wong to implement Coalition's objective of increasing border security through the sharing of data between the US and Canada. It is obvious to use the

Art Unit: 3629

capabilities of the system disclosed by Wong to gather data from various sources, and process, track and analyze the data to identify trends that require action.

37. Coalition/Wong does not disclose risk scoring or neural networks.
38. Bian, however, discloses using a neural network and algorithm to detect patterns of data that are characteristic of the outcome one is trying to predict. (P[0029]). A risk score is calculated.
39. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included using neural networks, as disclosed by Bian, in the system of Coalition for the motivation of using a screening tool, such as a score, to assist in prioritizing investigation needs. (Bian; P[0038]). Coalition is directed toward identifying and communicating high risks in order to effectively use border resources. It is obvious to use data analysis tools, such as neural networks, algorithms and scoring, to prioritize the need to further investigate a movement. It is also obvious to expand Wong to include neural network analysis and risk scoring to further identify trends in data that relate to personnel.
40. **Claim 65:** Coalition discloses border personnel (pg. 12; para. 1) and a system for sharing customs admissibility data, information and intelligence between the Canadian and US Customs agencies (pg. 11;par. 13). Coalition does not explicitly disclose that the communication is from the intelligence engine.
41. Wong, however, discloses communicating the intelligence information to a communication device of an officer (C39; L20-24: users of the system with access to the intelligence information include VPs and the president, i.e., officers of the company).
42. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included communicating from the intelligence engine, as disclosed by Wong, in the system of Coalition for the motivation of fulfilling the recommendation of a system that includes intelligence sharing. It is obvious to use a computer based system, and therefore, an intelligence engine for speed and efficiency in gathering and disseminating information.
43. **Claim 66:** Coalition discloses a database that contains information from immigration, law enforcement, security agencies, international policing agencies and entry/exit records. (pg. 16;

Art Unit: 3629

para. 15). As previously discussed, Coalition does not disclose an intelligence engine, however, the intelligence engine of Wong is operable to analyze data from external sources (C40; L9-10).

44. **Claims 68 and 69** are unpatentable under 35 U.S.C. 103(a) as being unpatentable over Coalition for Secure & Trade-Efficient Borders ("Rethinking our Borders: A Plan for Action". Published Dec. 3, 2001 at www.cme-mec.ca/national/template_na.asp?p=104, hereafter referred to as "Coalition") in view of Wong (US Pat. No. 6,115,690) in view of Bian (US Pub. No. 2003/0115133) in view of Gugliotta ("American Responds / Terrorist watch list no match for pair / Hijacking suspects eluded all controls" Houston Chronicle. Houston, Tex.: Sep 24, 2001. pg. 1).
45. **Claims 68 and 69:** Coalition discloses a database that contains information from immigration, law enforcement, security agencies, international policing agencies and entry/exit records. (pg. 16; para. 15), a single data clearinghouse for submission of passenger manifest data and circulated to appropriate departments (pg. 17; para. 6), in-transit electronic reporting of documentation to government officials prior to arrival at the border (pg. 23; para. 1) verifying identification (pg. 18; para. 9-11). A comprehensive computerized database to screen visa applicants and applicants for admission to Canada (pg. 16; para. 14), thus disclosing the denial of entry as a result of the screening process based upon individual data.
46. Coalition does not explicitly disclose that the inspection station has real-time access to the data and information and storing the record of the denial in the database.
47. However, it is inherent that the process of screening applicants would produce data records such as the date of entry because Coalition discloses tracking overstays. Therefore it is obvious that the screening process, when denying entry to an applicant would at least lack the date of entry, therefore implicitly recording the denial.
48. Wong, however, discloses an Internet based system that integrates end-to-end business functions that allows users access to data. Thus, the combination of Wong and Coalition, as discussed above would provide real-time access (via the Internet) to the information in Wong's database of shared business functions.

Art Unit: 3629

49. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included real-time access to a database of information, as disclosed by Wong, in the system of Coalition for the motivation of making a database of shared information available to an inspection station, which is a part of the Customs department. It is obvious to provide this access at the inspection station in order to ensure that an officer has the information readily at hand when making a decision regarding entry.
50. Coalition does not explicitly disclose denying entry based on criminal history information.
51. Gugliotta discloses that IBIS includes NAILS and integrates database lists of known offenders from Customs, FBI, DEA and other databases. (pg. 2). IBIS thus contains individual entry data and criminal history data and is used at the border to determine whether to clear someone for entry, therefore producing a denied entry based on a criminal history and inherently requiring identity verification.
52. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included denying entry based on data and criminal history information, as disclosed by Gugliotta, in the system of Coalition for the motivation of preventing undesirable individuals' entry to the US.

(10) Response to Argument

A. Appellant's argument is persuasive and the rejection is withdrawn.

B. Claims 59, 64-69 and 71: The Examiner maintains that the specification does not disclose how the neural networks, decision tree analysis, data recognition techniques, and rules-based algorithms operate (in combination or singly) to synthesize information, identify patterns, analyze historical information, and develop risk scores.

Art Unit: 3629

Appellant's invention is directed to collecting various types of data from many different sources (border management store, additional data sources including government and non-governmental data sources), yet the specification provides no details as to which data is analyzed by which technique to identify patterns and develop risk scores. One of ordinary skill in the art would require the identification of variables and an algorithm in order to develop a risk score, however, none is provided by the specification. Further, no direction is provided as to what information (from the numerous sources) is synthesized or analyzed.

Therefore, these recitations do not provide enablement for how one of ordinary skill in the art would make or use the invention. Due to the plethora of categories of data that could be potentially collected and analyzed, and the multitude of possible transformations of data using tools such as algorithms and neural networks, it would require **undue experimentation** in order to make or use the invention. Additionally, the specification does not provide any working examples, nor does it recite the type of data collected, the algorithms or neural networks used, or the inputs for scoring risk.

C. Claims 65-69 depend from claim 64 and are unpatentable through their dependency to this claim.

E. 1 and 2. Claims 13, 20 and 60-61 and 70 and 72-73: The Examiner views the claimed specified types of data and applications as non-functional. Wong discloses providing software to gather, process, store and analyze data. The analysis of data produces "intelligence". The type of data, whether it is related to border management, procurement, sales or human resources, is irrelevant in the context of the claims and is therefore merely non-functional descriptive material. It is obvious to name applications, databases and data, however, the names themselves do not impart functionality. Appellant's recitation from MPEP 2106.01 (pg. 36) refers to **functional** descriptive material recorded on computer-readable medium.

E. 3. Claims 62 and 74: Appellant appears to rely the on the names of the applications (from claims 13 and 70) to differentiate claims 62 and 74. The Examiner maintains that names are nonfunctional and that the firewall between the internet and the DBMS provides the claimed shared security and integration open architecture.

G. Claim 64: The Examiner maintains that Coalition teaches

- individual border transaction requests: pg. 16; para. 14: computerized database to screen visa applicants and applicants for admission to Canada
- trade border requests: pg. 23; para. 1-3 discloses trade transaction requests that are stored and processed
- individual entry data: pg. 11; para. 1: paperwork and pg. 16; para. 15: database contains records of entries of visitors and residents that is used to track physical presence.
- trade import data: pg. 23; para. 1-3 discloses trade transaction requests that are stored and processed
- irregular individual and trade border transaction activity: pg. 7; para. 12: risk management system permits attention to be focused on illegal and irregular movements of goods and people.

The Examiner maintains that the combinations with Wong and Bian produce the claimed invention.

Wong discloses monitoring the receipt and storing of data using an open architecture (C5; L9-30: users have access to data (i.e., an open architecture) and user activities are tracked (i.e., monitored). Entry errors are detected, flagged and trouble-shooted (C6; L30-55)). Users are authorized (C11; L61-65) and the software provides "end-to-end, business-to-business Web commerce", thus providing both security and integration in a shared infrastructure. (C4; L6-21).

Art Unit: 3629

Wong also discloses information synthesis, decision tree analysis, data recognition and algorithms that result in identifying patterns and analyzing historical information. Data is transformed using algorithms (C40; L51-59). The transformation of the data into a human performance evaluation (i.e., human resource management) is an example of an intelligence engine that transforms data into intelligence because the employee's strengths and weaknesses discovered by the evaluation (i.e., patterns) are used to determine whether training is needed in a certain area. (C41; L41-46). The evaluation uses data from various sources of activity data, including quantity, dollar volume, time, returns and quotes. (C40; L34-50). Decision tree analysis is exemplified at C41; L13-15

53. **H. Claims 68 and 69:** Coalition discloses a comprehensive computerized database to screen visa applicants and applicants for admission to Canada (pg. 16; para. 14), thus disclosing the denial of entry as a result of the screening process. It is inherent that the process of screening applicants would produce data records such as the date of entry because Coalition discloses tracking overstay. The Examiner contends that it is obvious that the screening process, when denying entry to an applicant would at least lack the date of entry, therefore implicitly recording the denial.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/G. M./

Examiner, Art Unit 3629

Conferees:

/JOHN G. WEISS/

Supervisory Patent Examiner, Art Unit 3629

Vincent Millin /vm/
Appeals Practice Specialist